

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,
ASCOT FUND LTD., GABRIEL CAPITAL
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**DECLARATION OF LAN HOANG IN SUPPORT OF
TRUSTEE'S OPPOSITION TO DEFENDANTS' MOTIONS *IN LIMINE***

I, Lan Hoang, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”).

2. I submit this declaration in support of the Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude Others’ Purported Suspicions About Madoff Not Expressed to Defendants; Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude Testimony of Meaghan Schmidt; Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude the Expert Testimony of Amy B. Hirsch; Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude the Testimony and Report of Bruce G. Dubinsky; Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude the Testimony, Reports, and Declaration of Steve Pomerantz; and Trustee’s Memorandum of Law in Opposition to Defendants’ Motion *In Limine* to Exclude Testimony and Exhibits Related to Whether Investors Were Misled with Respect to Gabriel Capital, L.P. and Ariel Fund Ltd.’s Exposure to BLMIS.

3. True and correct copies of the following documents are attached:

Exhibit 1: Plaintiff’s Supplemental Disclosures dated November 22, 2013.

Exhibit 2: Excerpts from the deposition transcript of [REDACTED] dated November 22, 2013 (filed under seal).

Exhibit 3: Excerpts from the redacted deposition transcript of Noreen Harrington dated October 1, 2013 (redacted).

- Exhibit 4: Excerpts from the deposition transcript of Jason Orchard dated October 8, 2013.
- Exhibit 5: Excerpts from the deposition transcript of Joshua Nash dated October 18, 2012.
- Exhibit 6: Excerpts from the deposition transcript of Tina Surh dated September 18, 2013.
- Exhibit 7: Excerpts from the deposition transcript of Morris Smith dated March 4, 2014.
- Exhibit 8: Excerpts from the deposition transcript of Joel Ehrenkranz dated March 20, 2014.
- Exhibit 9: Expert Report of Dr. Steve Pomerantz with errata dated April 13, 2015.
- Exhibit 10: Excerpts from the deposition transcript of Dr. Steve Pomerantz dated July 8, 2015.
- Exhibit 11: Correspondence from Mariel R. Bronen to Brian W. Song dated March 24, 2017.
- Exhibit 12: Correspondence from Brian W. Song to Sarah O'Connell dated April 6, 2017.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28

U.S.C § 1746(2).

Dated: May 10, 2017
New York, New York

By: /s/ Lan Hoang
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Lan Hoang
Email: lhoang@bakerlaw.com